

Exhibit A

RED
DC-410 (Rev. 07/15)

NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY PRISONS ADMINISTRATIVE REMEDY PROCEDURE

Inmate Name: Ronald K. Sutherland, Jr.

Inmate #: 0715488

Location: Bertie 4880, Red LD1

Date: 4/20/20

Grievance Statement: There is an abundance of smoke in the dorm that I am forced to breathe in from hand-rolled cigarettes, marijuana 3 K-2. It irritates my lungs, throat and gives a burning sensation to my nose, and my breathing becomes taxed and laborious because of it. It comes primarily from lower-red (segregation), from a cell near mine or even from cells further away.

What remedy would resolve your grievance?: Removing the elements that produces the smoke (K-2, marijuana 3 cigarettes), would resolve this matter. A higher grade of facial masks may help. Taking action to ensure my 8th Amendment right to be free from cruel and unusual punishment - in this manner - would resolve this matter.

Inmate Signature: Ronald K. Sutherland, Jr.

OFFICIAL USE

Date received: 4/24/20

C Stallings
Receiving Officer Signature

SCR20

Staff ID

Facility #: 4880

Year: 2020

Housing #: L Pod D

Sequence #: 12592

Exhibit: B



North Carolina Department of Public Safety

Roy Cooper, Governor
Erik A. Hooks, Secretary

Timothy D. Moose, Chief Deputy Secretary
Todd E. Ishee, Director

Step One - Unit Response

Regarding Grievance No.: 4880-2020-LPODD-12592
Received: 04/24/2020

Inmate: SUTHERLAND, RONALD K - 0715488
Location: 4880-BERTIE CI - LPODD001

As always, staff will attempt to remove any and all contraband at the facility which should alleviate your issues.

05/12/2020

Date

HUGHES, ASHLEY N.

Staff Electronic Signature

(A) Agree with grievance response

(B) Appeal to Step Two (24-hour limit)

5/12/20

Date

Inmate Signature

Date

Witness Signature (optional)

cc: CTS

MAILING ADDRESS:
P. O. BOX 129
WINDSOR, NC 27983



OFFICE LOCATION:
218 COOPER HILL ROAD
WINDSOR, NC 27983
Telephone: (252)794-8601
Fax: (252)794-8634

Exhibit: C

7/21/20

To:

Superintendent/Warden,

I am writing this letter to you in hopes of obtaining your cooperation in a matter that is time-sensitive and urgent.

I filed a grievance on or about 6/15/20 and have not yet received a response. The grievance was centered around an ~~5th Amendment~~ violation of 'cruel and unusual punishment', due to the constant smoke I am forced to breathe in (from "K-2", cigarettes and marijuana).

I trust that you will look into the matter - of both the status of my grievance and it's content - and resolve these issues, at this stage.

Thank you

Ronald Sutherland #0715488

LD01

Exhibit D

RED

DC-410 (Rev. 07/15)

NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY PRISONS ADMINISTRATIVE REMEDY PROCEDURE

Inmate Name: Ronald K. Sutherland Inmate #: 0715488

Location: Bertie 4880 Lb02-Red Date: 7/1/20

Grievance Statement: It has been nearly one month since I wrote a grievance and I have not yet received a reply. The grievance was written and turned in on or about 6/15/20.

It spoke of current conditions and risks that needed to be addressed, and centered around my well-being.

What remedy would resolve your grievance? A response to my initial grievance would resolve this grievance.

Inmate Signature: Ronald K. Sutherland

OFFICIAL USE

Date received: 7/22/20

C Stallings

Receiving Officer Signature

SCR20

Staff ID

Facility #: 4880

Year: 2020

Housing #: Lb02

Sequence #: 12930

Exhibit E

0-1



North Carolina Department of Public Safety

Prisons

Roy Cooper, Governor
Erik A. Hooks, Secretary

Timothy D. Moose, Chief Deputy Secretary
Todd E. Ishee, Director

DC-410 Screening Response

Regarding Grievance No.: 4880-2020-LPODD-12930
Received: 07/22/2020

Inmate: SUTHERLAND, RONALD K - 0715488
Location: 4880-BERTIE CI - LPODD001

The grievance you have submitted has been accepted and will begin a review process. A response will be sent within 15 calendar days of 07/24/2020.

07/24/2020

Date

COHOON, JASON W.

Staff Electronic Signature

cc: CTS

MAILING ADDRESS:
P. O. BOX 129
WINDSOR, NC 27983



OFFICE LOCATION:
218 COOPER HILL ROAD
WINDSOR, NC 27983
Telephone: (252)794-8601
Fax: (252)794-8634

Exhibit: E2

8/12/20

Dear Mr. Cohoon,

On or about 8/10/20, I informed you that I had not yet received a copy of my grievance # 4880-2020-LP0DD-12930.

I would still very much like to have the copy. Please let this letter serve as a reminder that I look forward to the aforementioned copy.

Thank you,

Ronald Sutherland # 0715488
LP0DD 001



Exhibit: F

North Carolina Department of Public Safety

Prisons

Roy Cooper, Governor
Erik A. Hooks, Secretary

Timothy D. Moose, Chief Deputy Secretary
Todd E. Ishee, Director

Step Two - Area/Complex/Institution Response

Regarding Grievance No.: 4880-2020-LPODD-12930

Received: 07/22/2020

Inmate: SUTHERLAND, RONALD K - 0715488

Location: 4880-BERTIE CI - LPODD001

After review, staff adequately addressed your concerns in step one. No further actions needed.

08/07/2020

Date

DILLARD, SEAN T.

Staff Electronic Signature

(A) Agree with grievance response

(B) Appeal to Secretary, DPS (24-hour limit)

8/7/2020

Date

Ronald K. Sutherland

Inmate Signature

Date

Witness Signature(optional)

cc: CTS

MAILING ADDRESS:
P. O. BOX 129
WINDSOR, NC 27983



OFFICE LOCATION:
218 COOPER HILL ROAD
WINDSOR, NC 27983
Telephone: (252)794-8601
Fax: (252)794-8634

Exhibit F2

8/17/20

Dear Mr. Dillard,

Grievance No: 48860-2020-LPODD-12930

I am writing you concerning the above mentioned grievance. I have not yet received my copy of the grievance from either Mr. Cohoon (whom I've both written and spoke to concerning this), nor have I received a copy -yellow or otherwise from anyone else who has a role in the process.

I would like the copy as soon as possible, please.

Thank you,

Ronald Sutherland #0715488

Exhibit G

To: Larry Dail (Director of Prisons)

8/2/20

The incidents described in previous grievances and the one accompanying this letter, addressed to Bertie officials and now the Director of Prisons, are nothing short of a violation of my 8th Amendment right against, cruel and unusual punishment.

If my attempts to successfully rally prison officials, on either spectrum end, to eradicate the sources of smoke, it's abundance and/or frequent occurrences (of K2, marijuana and/orjuana) continue to be ignored, fail or met with indifference, then this will be a matter for the courts wherein such words like: "1983, tort" and possibly "lien", may be used in reference to those defendants who played a role in my continued suffering; will be used...not to leave out "injunction relief" and "damages awarded".

Defendants may be sought after in their individual and/or official capacities. I hope this is at least taken seriously at this stage and that no one become disillusioned in thinking 'qualified immunity' is a bona fide safe haven, for surely there is enough U.S. Supreme court precedents that more than suggest otherwise.

In the event my condition is not alleviated via eradication of the aforementioned substances, complete and permanent relocation, away from Bertie 4880, of myself would suffice. I supposedly came up for "Medium Custody" in Sept. 2020 - maybe this will help give rise to action. I hear (I don't know) that Avery Mitchell, Nash or Morrison are nice places.

Thank you,
Ronald Sutherland
0715486

Exhibit H

North Carolina Department of Public Safety

Division of Adult Correction

Inmate Grievance Resolution Board

4207 MAIL SERVICE CENTER, RALEIGH, NC 27699-4207

State of North Carolina
Roy Cooper
Governor

Kimberly D. Grande
Executive Director

Members

Robert E. Campbell, Esq.
Jonathan D. Franklin
H. Gerald Beaver, Esq.
David W. Addison, Esq.
Phyllis S. Leary

Step Three - Administrative Remedy Response

Inmate: SUTHERLAND, RONALD K
Inmate #: 0715488
Location: 4880-BERTIE CI - LPODD001
Courier # 10-92-27

Tracking No: 0000450335
Unit Grievance No: 4880-2020-LPODD-12930
Date Received: 08/07/2020

Grievance Examiner: Findings and Disposition Order

This examiner has reviewed this grievance and the response given by staff in the Step 1 and/or Step 2 responses. My review of this grievance reveals no violation of applicable Prisons policy nor does it show any evidence of discrimination, retaliation, or disrespect or abuse of authority by staff regarding the processing of this offender's grievances. It appears that the last grievance which you filed was in April 2020, 4880-2020-LPODD-12592. You were provided with a step 1 response and signed an acknowledgement that you agreed with the response. If you are alleging that there was another grievance, you will need to provide more information regarding the date on which it was filed and the grievance number. This grievance is considered resolved.

08/17/2020

Date

GRANDE, KIMBERLY D.

Inmate Grievance Examiner Electronic Signature

cc: CTS

UD06

North Carolina Department of Public Safety
Prisons

SEP 22 2020

Inmate Trust Fund Account Inquiry Form

Ronald Sutherland
Inmate Name (Print Clearly)

0715488
OPUS #

Red LD07
Housing Unit

BERTIE 4830
9/20/20
Date

SECTION A

TRUST FUND ACCOUNT AMOUNT INCORRECT. Include weekly trust fund statement with complete explanation of the error in Inmate's Comments Section.

PAYMENT FOR MEDICAL/DENTAL CO-PAY INCORRECTLY CHARGED. (Explain in Inmate's Comment Section)

PAYMENT FOR ADMIN FEE INCORRECTLY CHARGED (Explain in Inmate's Comments Section)

PAYMENT FOR FILEFEE INCORRECTLY CHARGED (Explain in Inmate's Comments Section)

PAYMENT FOR LITCOST INCORRECTLY CHARGED (Explain in Inmate's Comment Section)

CANTEEN LIMITED DRAW INCORRECT (Explain in Inmate's Comment Section)

INCENTIVE WAGE OR WORK RELEASE PAID INCORRECTLY (Explain in Inmate's Comment Section)

INDIGENT STAMP AMOUNT INCORRECT (Explain in Inmate's Comment Section)

CANTEEN PHONE DEBIT PURCHASE AMOUNT INCORRECT (Explain in Inmate's Comment Section)

(Facility trust fund send this form when Canteen Phone Debit Purchase amounts are incorrect to DPS_DOC_Inmate_Phone_Help (DOC_InmatePhoneHelp@ncdps.gov) or call 919-838-3520

JPAY DEPOSIT INCORRECT OR DOES NOT BELONG TO INMATE (Explain in Inmate's Comment Section)

(Facility trust fund send this form when JPay deposit amounts are incorrect to DPS_DOC_DOP_IBSHelp (DOC_DOC_IBSHelp@ncdps.gov) or call 919-838-3785

OTHER (Explain in Inmate's Comment Section)

****INCOMPLETE INMATE TRUST FUND ACCOUNT INQUIRY FORM WILL BE RETURNED AND NOT
PROCESSED UNTIL REQUIRED INFORMATION IS COMPLETE****

SECTION B

Inmate's Comments:

I need a copy of my account balance, for the past 6 (six) month's please.
It's for a court action, which I need to show myself as "indigent".

Ronald Sutherland
Inmate's Signature

9/20/20
Date

Trust Fund or Other Facility Staff Comments:

You will need to send the completed
paper work notarized (if it's from the NC Industrial Commission)
up to accounting. 8

Y.M. 3M
Trust Fund or Other Facility Staff Signature

9/22/2020
Date

Administrative Officer Comments:

Administrative Officer Signature

Date

Prisons Fiscal Training & Support or Prisons Facility Services:

Prisons Fiscal or Facility Staff Signature

Date

Exhibit: I2

Inmate Trust Fund Account 8

I am in receipt
history/balance of

As per your i
notarized (it is to be found in the

Please, find
the accompanying forms.

The court will need
to submit the request
to the IRS helpdesk
in Raleigh, NC

[Exhibit: I3]

(delivered to Plaintiff on 9/26/20)

Thank you,

Ronald Sutherland #0715488

LP001

Exhibit: J

①

Smoking Time Log: (edited to save time/space)

• 4/1/20 - nearly every day, ^{this month} ranging from 4-10 hour durations - K2 1/2 Cigarettes

• 5/3/20 - 11:40AM-12PM, 3PM-3:40PM, 6PM-6:32PM, 10PM-10:27PM - K2 1/2 cigarette

• 5/4/20 - 6:05AM-6:20AM, 8PM-9:20PM - K2, cigarettes

• 5/5/20 - 10:15AM-11AM, 1PM-1:30PM, 3:10PM-4:40PM - K2

• 5/7/20 - 1:20PM-1:45PM, 9:25PM-10PM - K2, cigarettes

• 5/8/20 - 6:25AM-7AM(2), 4PM-5PM, 10PM-10:30PM - cigarettes, marijuana

• 5/9/20 - 8:40PM-10PM - K2

• 5/10/20 - 7:50PM-9:20PM - K2, cigarettes

• 5/11/20 - 4PM-9:50PM, 10:35PM-10:55PM - cigarettes, K2

• 5/13/20 - 7:10AM-7:30AM - cigarettes

• 5/15/20 - 3:15PM-3:40PM, 4:20PM-5PM, 6PM-6:40PM, 8:10PM-9:20PM - K2

• 5/16/20 - 6:45AM-7:10AM - K2

• 5/17/20 - 6AM-6:25AM, 9AM-9:40AM, 12PM-2PM, 10:30PM-11:10PM - K2, cigs.

• 5/20/20 - 9:18AM-1PM, 10:10PM-12:30AM - cigarettes, K2

• 5/21/20 - 2:20PM-3:15PM, 5PM-8:35PM - cigarettes

• 5/22/20 - 10:20AM-1:13PM, 1:40PM-2PM, 3:25PM-5:15PM, 11PM-11:25PM - K2

• 5/23/20 - 7AM-7:30AM - cigarettes, marijuana

• 5/25/20 - 6:35AM-7:15AM - cigarettes

• 5/26/20 - 6AM-6:30AM - K2

• 6/1/20 - 6:10AM-6:30AM; 9:30AM-9:50AM, 10:15AM-12:15PM - K2

• 6/2/20 - 10:24PM - cigarettes

• 6/4/20 - 8PM-8:20PM - K2, cigarettes

• 6/5/20 - 11:10PM-3PM, 7:15PM-11:35PM! - K2, cigarettes

• 6/9/20 - 4:20PM-5PM, 1:15PM-1:55PM K2

(2)

Smoking Time Log cont'd. . .

- 6/10/20 - 10:20PM - 10:45PM - cigarettes
- 6/16/20 - 9AM - 10AM, 10:10PM - 1:35AM - K2, cigarettes
- 6/18/20 - 6:10AM - 7:10AM, 3PM - 3:35PM - K2, cigarettes
- 6/19/20 - 2:30PM - 2:55PM, 5:50PM - 7:13PM, 8PM - 10:50PM - K2, cigarettes
- 6/20/20 - 7:25AM - 8AM, 11:40AM - 1:15PM, - K2
- 6/22/20 - 1:20PM - 3:30PM, 3:55PM - 4:35PM, 6:PM - 6:25PM, 8PM - 9:10PM, 11:35 - 1:10AM ^{K2, Cigs.}
- 6/23/20 - 12:20PM - 12:45PM - K2
- 6/26/20 - 8:13AM - 10:15AM, 7:20PM - 8PM, 8:50PM - 9:13PM, 10:25PM - 10:55PM - K2, cigs.
- 6/28/20 - 6:05AM - 7AM - K2, cigarettes
- 7/2/20 - 6:10AM - 6:25AM, 2:25PM - 2:45PM, 10:05PM - 10:35PM - K2, cigarettes
- 7/3/20 - 7:30AM - 7:55AM, 3:45PM - 4:15PM, 7PM - 7:20PM, 9:55PM - 11:13PM - K2
- 7/7/20 - 10:15AM - 10:30AM - K2, cigarettes
- 7/8/20 - 5:52AM - 6:15AM - K2
- 7/9/20 - 8:05AM - 8:25AM, 10AM - 10:35AM, 1:10PM - 1:50PM, 3PM - 4:15 - K2
- 7/10/20 - 9:45PM - 9:25PM - cigarettes, marijuana
- 7/14/20 - 2:20PM - 2:55PM, 4:02PM - 4:40PM, 10PM - 1:55PM - K2, cigarettes
- 7/16/20 - 6:03AM - 6:25AM, 10:13AM - 10:30AM, 10:05PM - 10:40PM - K2
- 7/19/20 - 9:09PM - 9:50, 11PM - 11:29PM - K2
- 7/20/20 - 1PM - 1:30PM - K2
- 7/21/20 - 4:02PM - 4:32PM - K2, cigarettes
- 7/22/20 - 7PM - 7:25PM, 9:45PM - 10:15PM - K2
- 7/24/20 - 6AM - 6:20AM - cigarettes
- 7/25/20 - 1:24PM - 3:26PM - K2
- 7/26/20 - 9:13PM - 9:45PM, 10PM - 10:40PM, 12PM - 1:13AM - K2, cigarettes

(3)

Smoking Time Log

- 8/1/20 - (nearly, all day and night).
- 8/2/20 - 10PM - 10:40^{PM} - K2
- 8/7/20 - 3:55PM - 4:35PM, 6:05PM - 6:28PM, 9:30PM - 9:55PM - K2
- 8/10/20 - 8:24PM - ? - K2
- 8/11/20 - 3:51PM - 5:30PM, 11PM - 11:41PM - K2
- 8/12/20 - 2:35PM - 4PM - K2 (extremely strong), 9:40 - 11:30PM - K2
- 8/13/20 - 8:45PM - 11PM - K2, cigarettes
- 8/15/20 - 2:32PM - 3:15PM, 8:40PM - 9:26PM - K2/cigarettes
- 8/16/20 - 9:30PM - 11PM - K2
- 8/17/20 - 6:45AM - 7:10AM K2, cigarettes
- 8/18/20 - 7:11AM - 8:23PM, 8:50PM - 12AM - K2, cigarette (unbearable)
- 8/20/20 - 7:30AM - 9AM, 9:45PM - 11:51PM - cigarettes
- 8/19/20 - 8:50PM - 9:20PM - cigarettes
- 8/21/20 - 9:02PM - 11PM - K2/cigarettes
- 8/22/20 - 10PM - 11:20PM - cigarettes, K2
- 8/23/20 - 2:35PM - 3:15PM - K2
- 8/27/20 - 7:50PM - 11:30PM - K2
- 8/29/20 - 10AM - 11:20AM - cigarette, K2
- 8/30/20 - 3:12PM - 3:55PM, 4:45PM - 10:35PM - cigarettes
- 8/31/20 - 8:45PM - 10:30PM - K2
- 9/1/20 - 9:45PM - 11PM - cigarettes
- 9/2/20 - 1PM - 2PM - K2, 7:48PM - ?, Marijuana or K2
- 9/3/20 - 7:10AM - 8:20AM - K2
- 9/4/20 - 2:55PM - 3:15PM - K2, cigarettes

Smoking Time Log

- 9/5/20 - 10PM-10:30 PM - K2, cigarettes
- 9/6/20 - 8:45PM-9:25PM - K2
- 9/7/20 - 6:48AM-7:20 AM - cigarettes, K2
- 9/8/20 - 2:55PM-4:30PM - K2
- 9/9/20 - 5:20AM-6:10AM, 7:50AM-11:20 AM - K2, cigarettes (and 1:15PM-4:13PM)^{cig.}
- 9/10/20 - 5PM-7:10 PM - K2
- 9/12/20 - 2:05PM-3:37PM, 4:25PM-7PM - cigarettes
- 9/13/20 - 5:50AM-6:10AM, 7:25AM-8:23AM - K2 (and 11AM-12:15PM - cig., K2)
- 9/13/20 (still) - 1:22PM-3PM, 6:40PM-7:10PM - K2
- 9/14/20 - 5:30AM-6:10 AM, 8:40PM-12AM - K2, cigarettes
- 9/15/20 - 6:29AM-7AM, 9:17AM-9:30AM, 3:25PM-5:15PM - cigarettes
- 9/16/20 - 4PM-5:10PM - K2
- 9/18/20 - 1:50PM-2:10PM - K2, cigarette (and 6PM-6:40 PM - K2) ^{K2/cig.} (10PM-10:46PM)
- 9/19/20 - 6:15AM-7:15AM, 7PM-7:37PM - K2
- 9/20/20 - 1:40PM-3PM - K2, cigarettes
- 9/21/20 - 12:50PM-2:15PM, 8:40 PM-9:25PM - K2, cigarettes
- 9/22/20 - 5:50AM-6:30AM - K2
- 9/24/20 - 8PM-10PM - cigarettes, K2
- 9/25/20 - 6PM-7PM, 9:20PM-10PM - K2, cigarettes
- 9/26/20 - 6AM-6:30AM - K2
- 9/27/20 - 2PM-2:37PM, 8PM-8:30PM - K2
- 9/28/20 - 5:40AM-6:30AM, 1:10PM-1:50PM, 2:20PM-2:40PM - K2, cigarettes
- 9/29/20 - 10AM-11AM, 10:30PM-11PM - K2, cigarettes
- 9/30/20 - 6AM-6:40AM, 11AM-12PM, 4:50PM-10:40PM - K2, cigarettes

(S)

Smoking Time Log

- 10/1/20 - 6:20 AM - 6:40 AM, 12 PM - 2:20 PM - cigarette, K2
- 10/2/20 - 2:47 PM - 3:15 PM, - K2
- 10/3/20 - 10:20 PM - 10:55 PM - K2, 7:20 PM - 8:30 PM - K2, 10PM-11PM, K2
- 10/5/20 - 6:25 AM - 7 AM - K2, cigarettes

* Ronald Keith Sutherland Jr. #0715488
Ronald Keith Sutherland Jr.

10/6/20

Page: 1
Exhibit: K

Events Log

- December, 18 2018 - assigned to cell #48 (Red Unit, D-dorm)
- 6/1/19 - assigned to cell #15
- 4/1/19 - assigned to cell #1 - present
- 4/20/20 - wrote first grievance, which Defendant Hughes "handled". [Exhibit: A]
- 6/15/20 - wrote grievance - received no response (reiterating initial grievance)
- 7/21/20 - letter to Superintendent/Warden Defendant Sappeler [Exhibit: C]
- (Reposition here) 5/12/20 - received response from Defendant Hughes [Exhibit: B]
- 7/21/20 - wrote grievance about non-response to 6/15/20 grievance [Exhibit: D]
- 7/22/20 - received response to 7/21/20 grievance about non-response [Exhibit: E]
- 7/30/20 - deadline for response from staff/Defendant Cohoon, hadn't received. [Exhibit: E2]
- 8/2/20 - Wrote letter & filed grievance w/ Director of Prisons ~~and~~ Defendant Larry Dail, reiterating initial grievance about conditions [Exhibit: G] & [Exhibit: M]
- 8/13/20 - "Sick call" form turned into Nurse about physical health (lungs/heart).
- 8/13/20 - wrote letter to Defendant Cohoon requesting copy of grievance [Exhibit: H]
- 8/7/20 - Grievance response from Defendant Dillard, in its standard, disinterested form [Exhibit: F]
- 8/17/20 - Letter to Defendant Dillard [Exhibit: F2]
- 8/17/20 - received detached, disinterested response from Defendant Grande [Exhibit: H]
- 8/19/20 - seen by Nurse - supposedly put in request for need of "Inhaler" for Plaintiff's lungs.
- 9/7/20 - filed yet another grievance about smoke, rights violation (see near exact copy in Exhibit: H2), dated 9/6/20 and Exhibit: M (as "example").
- 9/20/20 - request to Inmate Trust Fund department for 6 month account balance. [Exhibit: I]

Events Log cont'd...

- 9/22/20 - reply from Inmate Trust Fund department staff [Exhibit: I 1] (stating Plaintiff needed to provide completed paperwork)
- 9/23/20 - Plaintiff responded to Inmate Trust Fund staff with "completed paperwork", along with a letter ("paperwork is actual Complaint"). [Exhibit: I 2]
- 9/26/20 - Plaintiff's "completed paper work", letter and yellow 'Post-it' note from Inmate Trust Fund department staff, stating Court needs to reach out to the "IRS".

Exhibit L**NORTH CAROLINA PRISONER LEGAL SERVICES, INC.**

Post Office Box 25397
Raleigh, North Carolina 27611
(919) 856-2200
Facsimile Transmission (919) 856-2223

CONFIDENTIAL LEGAL MAIL

March 29, 2019

Mr. Ronald K. Sutherland
Bertie Correctional Institution
OPUS# 0715488
P.O. Box 129
Windsor, NC 27983

NCPLS File #: 19-0174071

Dear Mr. Sutherland:

Our office received your letter about a condition of confinement that you believe violates your rights. The North Carolina Department of Public Safety created an administrative remedy procedure, more commonly known as the grievance process, to give inmates a way to report these conditions and allow staff members to respond to inmates' issues. We receive many letters every week from inmates who report problems with this process, from difficulty getting DC-410 forms, interference by correctional staff and fear of retaliation for filing grievances. We will address these and other issues in this letter.

By law, you must follow each step in the grievance process from beginning to end **before** you can file a claim about the issue you are facing. This is known as *exhausting the grievance process*.

You may have a strong claim, but if you have not exhausted the grievance process, the court may dismiss your case. 42 USC § 1997 (e)(a). *Porter v. Nussle*, 534 U.S. 516 (2002).

The Grievance Process

1. To submit a grievance, you must request a Form DC-410 from a staff member. Grievances written on any other form or paper will not be accepted. **Please note:** NCDPS does not allow us to keep these forms on file. We have no way to provide them to inmates who write requesting them. You must get a Form DC-410 from a staff member.
1. A grievance must be submitted **within 90 days** of the condition or incident you are reporting.
 - Note: This 90-day reporting requirement does not apply to sexual abuse or sexual harassment grievances.
2. You will be notified within 3 days that your grievance has been received and evaluated to determine if it follows NCDPS grievance policy (Chapter G.0300 attached).
 - If your grievance is accepted, it moves to **Step 1** for investigation.

- If your grievance is rejected it means a screening officer has determined that the subject or form of your grievance does not comply with NCDPS grievance procedure (see Section 304-b and Section 306). You will be notified in writing of this decision and given an opportunity to amend your grievance so that it follows NCDPS standards, then re-submit if allowable.

3. At Step 1, you should receive a written response to your grievance within 15 days of its acceptance. If your grievance is accepted at Step 1, it moves to **Step 2**.
4. At Step 2, you should receive a written response within 20 days from the date you were informed your grievance was accepted. If the grievance is accepted at Step 2, it moves to **Step 3**.

Important: If you are unhappy with the Step 1 or Step 2 response, you can appeal the response, but you must do so within **24 hours** after receiving the written notice. You will lose your right to appeal the Step 1 or Step 2 decision if you wait more than 24 hours unless an appeal was not possible within the time limit. The person who receives your appeal can decide to accept it after 24 hours depending upon the circumstances, so be sure to give a detailed explanation about why your appeal is late.

5. At Step 3, a final decision will be made and you should be informed of this decision within 50 days of the acceptance of your grievance.

Once you have received your final grievance response at Step 3, you have now **exhausted** the grievance process and can move forward with a legal claim if you so choose. Remember, you **MUST** appeal your grievance all the way to Step 3 if you intend to file a lawsuit.

Navigating the Grievance Process

We know that many inmates are skeptical about the ability to resolve issues using the grievance process. Following are some of the most frequent questions we receive about the grievance process. We hope this information is helpful.

“I didn’t receive a response to my grievance. What do I do now?”

You should file a new grievance stating the following: “My grievance was not addressed within the designated amount of time and I am treating this lack of response as a denial. Therefore I am appealing the denial of my grievance.”

“It’s been longer than 50 days since my grievance was accepted and I appealed the Step 2 response. Has my grievance been denied?”

The prison may extend its time to respond by a maximum of 70 days. They should notify you in writing if there was an extension and provide a date when a decision will be made.

“I’ve got a long list of issues that really need to be looked into. Plus, I’m not the only one experiencing these problems. How can I get an officer or other staff to take my grievances seriously?”

A grievance can be dismissed if it addresses more than one incident. This can be frustrating if you believe there are multiple issues affecting you, but it’s important to keep grievances simple. Don’t cite legal cases or statutes. Write clearly and simply about the *facts* as you observed them, not what you suspect about the motivations of staff members.

PJ:2

(Pj. J)

- You cannot file a new grievance, even if it involves a separate problem, if a previous grievance has not been resolved. Be selective about filing grievances so that the truly important issues can be addressed.

"I don't understand the grievance process/My cellmate doesn't understand the grievance process and I want to help."

Ask a staff member to help you if you don't understand the process. You can also ask for help from other inmates if your housing and classification allow. But a grievance filed on behalf of another inmate will be rejected, *except* when the grievance concerns sexual abuse or harassment.

"I know I'm in prison, but these people aren't treating me right. They're out to get me."

You may want to vent your frustrations in your grievance, but accusing staff of "malice," "conspiracy," or anything similar won't help your case. Those reading the form will be able to draw their own conclusions about an officer's motivations. Remember: A grievance will be dismissed if you use profane, threatening or abusive language.

"I caught a charge unfairly/An officer is threatening to charge me for something I didn't do. Can I challenge this using the grievance process?"

No. Grievances involving the disciplinary process will be rejected. If you have been found guilty of a disciplinary charge, and you want to challenge that finding, you must appeal the disciplinary charge through the disciplinary process, not with a grievance.

"An officer won't give me a grievance form/An officer threw away my completed grievance form. Now what?"

Keep trying. Ask a different officer for the form. If you observed your first grievance being thrown away, ask for another form from a different officer. If an officer won't accept your completed grievance, keep asking until you find an officer who will. Be respectfully persistent.

"I've tried repeatedly to file a grievance, but staff keeps interfering. How can I follow the process if I'm locked out of it?"

Submit your grievance to the warden or superintendent of your prison unit. Document the problems you faced trying to file a grievance, including the date and time you tried to submit it, what the grievance addressed, the name of the staff member and how they interfered. It is also helpful if you can provide a written statement from anyone who witnessed what happened.

"I've tried repeatedly to file a grievance; I even wrote to the warden like you suggested. Nothing happened."

You can submit a confidential grievance directly to the Director of Prisons at the following address: Director of Prisons, NC Department of Public Safety, 4260 Mail Service Center, Raleigh, NC 27699-4260. You will have to explain in detail why you are submitting a confidential grievance instead of using the normal grievance procedure. Again, document specific problems you faced while trying to file your grievance.

"I believe that I'm in real danger of serious and permanent physical harm if the regular grievance process is followed. I'm feeling desperate. Is there anything I can do?"

You may file an emergency grievance if you truly believe you are in serious and immediate danger. If you have a medical emergency, you should present yourself and your grievance (marked "EMERGENCY") to any officer, or any member of the medical staff. If you have an emergency related to your personal safety, you should present your grievance (marked "EMERGENCY") to the officer in charge or any other officer.

Put in a letter along side grievance.
I'm new to this experience and I do not understand staff's ability to maintain a smoke-free environment, neither do I understand how/why the warden allows drugs to come into the place; and the grievance process is a joke. So like, a response, please.

- If an emergency grievance alleges risk of imminent sexual abuse, you should expect a response within **48 hours** and a final decision within **5 days**.
- Keep in mind that administrative transfers, time computation, disputes, family illness or death do not qualify as emergency grievances.

"I filed a grievance but was transferred before I could appeal to Step 3. Do I have to start over?"

A staff member at your previous facility will forward the response to your new facility for further processing. Remember that the prison may extend its time to respond but they should notify you in writing if there was an extension and provide a date when a decision will be made. If you have not received a response to your grievance you should file a new grievance stating the following: "My grievance was not addressed within the designated amount of time and I am treating this lack of response as a denial. Therefore I am appealing the denial of my grievance."

"It's been longer than 50 days since my grievance was accepted and I appealed the Step 2 response. Has my grievance been denied?"

The prison may extend its time to respond by a maximum of 70 days. They should notify you in writing if there was an extension and provide a date when a decision will be made.

"I want to know how my grievance was investigated and what was discovered as a result. I'm entitled to that information, right?"

Any information gathered while investigating your grievance may not be released to you because prison officials are required to keep conversations with staff members or inmates confidential.

Remember that the grievance process is made up of multiple steps that must be followed according to NCDPS standards until there are no further steps left to take (Step 3) before you can move forward with a legal claim if you so choose.

We hope this information has been helpful. Please write back to us if you have a question that has not been covered in this letter.

Sincerely,

North Carolina Prisoner Legal Services, Inc.

Exhibit M

DC-410 (Rev. 07/15)

NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY PRISONS ADMINISTRATIVE REMEDY PROCEDURE

Inmate Name: Ronald Keith Sutherland, Jr. Inmate #: 0715488

Location: Bertie 4880 LDO1-Red Date: 8/2/20

Grievance Statement: I am forced to breath in smoke from drug and cigarette usage from inmates. It causes my chest to tighten, is taxing a laborious on my lungs, makes my heart accelerate and is an eye & throat irritant as well.

It comes from below A-unit (in segregation) downstairs, and from my neighbors - left and right, near and far.

To endure this w/o remedy or action that would stop or curtail the second-hand smoke, is nothing short of an 8th Amendment violation of my right against 'cruel and unusual punishment'.

What remedy would resolve your grievance?: Drastically and substantially reducing smoke from: cigarettes, marijuana and "X2". In the alternative, relocating me to another facility that isn't as tainted as Bertie 4880.

Inmate Signature: Ronald Keith Sutherland Jr.

OFFICIAL USE

Date received: 1/1

Receiving Officer Signature

Staff ID

Facility #: Year: Housing #: Sequence #:

Distribution: White - Facility Copy; Pink - Inmate Copy

P.O. Box 124
Windsor, NC 27983